Research Proposal of the Thesis Entitled

Critical Analysis on Implementation of Senior Citizen Act-2007 with Special Reference to Ahmedabad District

Submitted for the award of the Degree Of

DOCTOR OF PHILOSOPHY

By

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1.INTRODUCTION

Older person needs special care and protection because of their age. This is the age when a person starts losing physical and mental completeness. In this age mostly people become dependent on others. In this situation they are mostly helplessness. Definition of older person is different in almost every book but crux is almost same.

Oxford Dictionary (1997), "an older person, especially somebody who has retired from work, means Senior Citizen". And Oxford Learner's Dictionaries (2016),"Senior citizen is a common euphemism for an old person used in American English, and sometimes in British English. It implies that the person being referred to is retired".

American Psychological Association (2009), "Old age is the range of ages nearing and surpassing the life expectancy of human beings; it is the end of the human life cycle. People of old age are also referred to as: old people, elderly, seniors, senior citizens, elders, or older adults."

Berk, Laura E. (2010), "Most developed Western countries set the retirement age between 62 and 67; this is also generally considered to mark the transition from middle to old age. Having one's age within this range is commonly a requirement to become eligible for senior social programs".

The maintenance and welfare of parents and senior citizens act, 2007, was introduced by the government of India to address the growing concerns of neglect, abuse, and insecurity faced by the elderly population. This legislation was enacted in response to the socio-economic changes brought about by modernization, urbanization, and the breakdown of traditional joint family systems, which historically provided care and support to senior citizens.

The act mandates the maintenance of parents and senior citizens by their children or relatives and provides for the establishment of maintenance tribunals for dispute resolution. It also includes provisions for old age homes, medical care, and protection of life and property. In Gujarat, including Ahmedabad district, the act was implemented

with the goal of addressing these emerging challenges, but its practical application reveals significant gaps, which this study seeks to critically analyze.

A bill that would improve the provisions provided and acknowledged by the Constitution for the maintenance and well being of older persons and parents, as well as for things related or incidental thereto.

In this Act, the following terms are defined as:

- Children: Refers to sons, daughters, grandsons, and granddaughters, excluding minors.
- Maintenance: Includes providing food, clothing, housing, and medical care.
- Minor: A person who has not reached the age of majority as defined by the Majority Act, 1875.
- Parent: Doesn't matter whether they are elderly; can be biological, adopted, or stepfather or stepmother.
- Prescribed: Describes guidelines set out by the State Government in accordance with this Act.
- Property: All rights or interests in any kind of property, whether it be immovable or moveable, inherited or obtained on one's own.
- Relative: Any adult childless senior's legal heir who is not underage and who either owns or would inherit the senior's assets upon their passing. Any Indian citizen sixty years of age or older is considered a senior citizen.
- State Government: Describes the administrator designated by Article 239 of the Constitution when referring to a territory that is a part of the Union.
- Tribunal: This Act's Section 7 created the Maintenance Tribunal.
- Welfare: Consists of sustenance, medical attention, leisure facilities, and other essential services for older folks.

Parents are respected in Sanskrit under the phrases "MatruDevo Bhava" and "PitruDevo Bhava." Parents were regarded as living gods in the past. But because of the many difficulties and widespread families in today's world, parents are sometimes viewed as burdens by their own offspring. The government now has more responsibility for family matters because of this mentality change.

From a human rights perspective, it's essential to support the elderly, helping them lead lives of dignity and happiness, and boosting their confidence. While there are various laws, welfare schemes, and policies for the elderly, their implementation is often lacking. There did not found specific laws for senior citizens before 2007. The government made several attempts to introduce legislation, with notable efforts by Ms. SushmaSwaraj in 2006 and Smt. Mira Kumar in 2007.

The goal of the 2007 Maintenance and Welfare of Parents and Senior Citizens Bill was to offer practical answers for the welfare and care of aging parents. On December 31, 2007, this measure was signed into law by the Indian president. Many old persons in India continue to experience serious issues and substandard living situations even after this law has been in effect for more than seven years.

2.REVIEW OF LITERATURE

The review of literature is following:

Diako (2011),In the context of South African banks, the thesis focuses on examining the technological preparedness and adoption patterns of senior citizen bank clients. With an emphasis on whether age moderates this link, the study seeks to investigate the relationship between age and technological readiness. A survey was given to senior citizen bank customers who lived in old age facilities in the provinces of Gauteng and Northwest, as well as others who lived in private residences in Mafikeng, North West, as part of the quantitative technique used. By offering insights into the technology preparedness and adoption behaviors of senior citizen bank clients in South Africa, the study seeks to fill the highlighted vacuum in the literature. In the context of South African banks, the thesis focuses on examining the technological preparedness and adoption patterns of senior citizen bank clients. With an emphasis on whether age moderates this link, the study seeks to investigate the relationship between age and technological readiness. A survey was given to senior citizen bank customers who lived in old age facilities in the provinces of Gauteng and Northwest, as well as others who lived in private residences in Mafikeng, North West, as part of the quantitative technique used. By offering insights into the technology preparedness and adoption behaviors of senior citizen bank clients in South Africa, the study seeks to fill the highlighted vacuum in the literature.

Galdes (2017), By concentrating on hearing acuity among senior Maltese citizens an issue that hasn't gotten much attention in the literature to date the thesis fills a major research vacuum. The purpose of the study is to assess how pure-tone audiometry (PTA) and hearing acuity perceptions relate to one another in this population. The research attempts to provide a thorough picture of hearing health in this population by using both objective measurements (PTA) and subjective measures (Single Question and the Maltese translated version of the Hearing Handicap Index for the Elderly Screening). The planned study fills this knowledge gap by thoroughly examining the state of hearing in senior Maltese residents. The study intends to give a comprehensive picture of hearing acuity in this population by gathering data in the participants' homes and taking into account their medical and general histories. The research aims to validate the efficacy of screening instruments such as the HHIES and the Single Question in detecting hearing impairment in Maltese seniors by means of statistical analysis that compares subjective judgments with objective data.

Trimboli (2023), an action research study aimed at creating an adult religious education program specifically for senior citizen parishioners in a tiny Catholic parish in South Carolina is presented in the thesis. By highlighting the importance of spiritual development and discipleship for seniors, especially those from pre-Vatican II origins, the study fills a vacuum in the literature. The study cites apathy in religion among seniors as a concern and hypothesizes that pre and post Vatican II Catholics have different ideas about what discipleship is. The thesis contends that the Catholic Church must address the need for seniors' spiritual maturity, even in the face of financial limitations. All things considered, the thesis helps to start a discussion regarding the creation of spiritual maturity programs for seniors in small parish settings, a topic that has received little attention in academic literature.

Chapter 1 will provide additional literature research and analysis of several Acts. This section will examine the legislative framework and how it is being implemented, offering a critical evaluation of how well it protects the rights.

3.STATEMENT OF THE PROBLEM

While extensive literature exists on elder care policies and the MWPSC Act of 2007, significant gaps remain in understanding its ground-level implementation, particularly through a human rights lens and within specific geographical contexts like Ahmedabad.

This research addresses several critical gaps in the existing literature:

Implementation at Regional Level: Despite numerous studies examining the Act at the national level, there is limited research analyzing its implementation within specific urban centers. The focus on Ahmedabad a rapidly urbanizing city with complex socio-cultural dynamics provides unique insights into how national legislation functions within local contexts, addressing the gap in region-specific implementation studies.

Rights-Based Evaluation: Existing literature predominantly approaches the Act from legal or social welfare perspectives, with insufficient attention to human rights frameworks. This research uniquely positions elder care within international human rights standards and constitutional provisions, filling the gap between elder welfare policies and rights-based approaches.

Judicial Interpretation Through Case Analysis: While policy analyses of the Act are common, detailed examination of actual case law and judicial reasoning in maintenance tribunals remains underdeveloped. By analyzing 25 court cases from Ahmedabad, this study addresses the significant gap in understanding how legal provisions translate into judicial outcomes for elderly litigants.

Intersectionality in Elder Rights: Current research often overlooks how gender, economic status, and social location intersect to create unique vulnerabilities for specific elderly populations. This study examines these intersectional dimensions, particularly for elderly women and economically disadvantaged seniors, filling an important gap in understanding differentiated experiences under the Act.

Effectiveness of Enforcement Mechanisms: Despite recognition of implementation challenges, there is insufficient empirical research examining the efficacy of tribunals, complaint mechanisms, and enforcement procedures. This study's methodological approach directly addresses this gap through systematic analysis of procedural outcomes.

Bridging Theory and Practice: A significant disconnect exists between theoretical legal protections and lived experiences of senior citizens seeking redress. This research bridges this gap by evaluating both the letter of the law and its practical accessibility for the elderly population in Ahmedabad.

4.SCOPE

The Senior Citizens Act, 2007's execution in the particular setting of Ahmedabad District is the main emphasis of this study's scope. It looks at how well the Act meets the requirements and difficulties of senior persons, as well as the suitability of the enforcement and support systems and the involvement of different stakeholders including the government, non-governmental organizations, and the courts. The research also examines the discrepancies between policy and reality by assessing older persons' knowledge and ease of access to the Act's provisions. By concentrating on Ahmedabad District, the study draws attention to regional differences and context-specific problems, offering insights into the distinct institutional, cultural, and socioeconomic factors affecting the Act's execution.

5. SIGNIFICANCE OF THE RESEARCH

The tradition of supporting dependents has been integral to Eastern societies, including Indian culture, since ancient times. Ancient texts such as the Ramayana, Mahabharata, and the Puranas underscore the significance of family care. This responsibility extended beyond individual households to entire communities, reflecting a societal expectation for families to support members of all ages and conditions, whether they are young or old, healthy, or disabled, employed or not. Financial challenges were often secondary to the communal duty of family care, with a particular emphasis on males to ensure the well being of their elderly parents, spouses, and children.

The Supreme Court's judicial activism has expanded the interpretation of Article 21 of the Indian Constitution, which guarantees fundamental rights, including those addressing the needs of the elderly. This article has become crucial in highlighting and addressing the specific issues faced by older adults in India.

This research aims to identify and address the deficiencies in the Senior Citizens Act, particularly in Ahmedabad. The insights gained will be crucial for policymakers and advocates working on behalf of senior citizens in India. Additionally, this study will provide a foundation for future research, offering guidance on research objectives, design, and statistical methods. By analyzing the local impact of the Act, this research will encourage further exploration of similar issues in other communities, especially within the field of jurisprudence.

6. OBJECTIVES OF THE STUDY

1. To Evaluate the implement by assessing the efficiency and effectiveness of act in Ahmedabad
2. To identity the challenges (bureaucratic) financial awareness related obstacles
3. To Investigate support system by scrutinizing the adequacy of social health and financial mechanism for elderly person
4. To assess the legal protection's by determining the strength and gap safeguarding SC rights
5. Analyze legal remedies by evaluating accessibility and efficacy (effective) of legal in case of Violation.

7. HYPOTHESIS

The effective implementation of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, in Ahmedabad is significantly influenced by the accessibility and efficacy of legal remedies, the adequacy of social, health, and financial support systems, and the extent to which bureaucratic, financial, and awareness-related challenges are addressed.

8.RESEARCH METHODOLOGY

The methodology employed in this study includes both doctrinal and empirical techniques. The empirical component is based on case studies and statistical data analysis. Information is gathered from a variety of primary and secondary sources, including the Indian Constitution, official Law Commission reports, documents from various Government of India committees, the All India Reporter on service issues, court rulings and bulletins, and other sources. The Supreme Court's and numerous High Courts' decisions are also thoroughly reviewed and assessed. Examples of secondary sources include books, journals, manuals, magazines, articles, and public opinion on corruption. The study is divided into Five chapters and makes use of primary and secondary data collected in 2023–2024.

9.SELECTION OF RESEARCH TOPIC

This research topic was chosen due to a number of urgent factors. First off, older persons' welfare and protection are of utmost importance due to India's rapidly aging population. In order to preserve the rights and welfare of senior citizens, the Senior Citizen Act of 2007 was passed with the goals of ensuring their protection, care, and dignity.

Even though this law has been established, there are serious questions regarding its efficacy and enforcement, particularly at the district level. Ahmedabad is a significant urban center with a sizable senior population, making it a useful case study to examine the flaws and real-world difficulties in putting this Act into practice. Examining the particular problems in Ahmedabad could help create better policies and procedures, shed light on more general implementation challenges, and practices to safeguard senior citizens nationwide.

In addition, this subject holds personal importance for me. I have a keen interest in social justice and elder law, and I am motivated to investigate how legal frameworks are implemented for vulnerable populations in practical situations. By conducting this research, I hope to add to the conversation on elder care and support and offer suggestions to improve the Senior Citizen Act of 2007's efficacy and make sure it accomplishes its objectives.

As a result, the following subjects have been chosen for research as part of the Doctor of Philosophy (Ph.D.) program at Karnavati University in Gandhinagar.

10. LIMITATION OF THE STUDY

Here, the limitations you've outlined can be further explained:

- The study is limited to a thorough examination of the 2007 Welfare of Parents and Senior Citizens Act with particular emphasis on Ahmedabad. This narrow focus can make it more difficult to extrapolate results to other Indian states or areas. The findings' nationwide relevance may be limited since Ahmedabad's unique sociocultural and legal setting may not be representative of circumstances elsewhere in India.
- The study is focused on a single act and does not examine other similar acts and cases or assess different models of performance evaluation. This narrow focus could ignore the larger legal environment pertaining to older persons' and parents' welfare. Ignoring other pertinent laws and models could result in a limited comprehension of the topic.
- The study only uses secondary data that was gathered from publicly available publications, such as annual reports. Surveys, interviews, and observations may not be used to gather primary data. Depending on the caliber and dependability of the

published sources, relying only on secondary data may result in biases or errors. The research may not have direct knowledge or the capacity to validate material if source data is not available. The availability of pertinent literature, biases in previous publications, modifications to laws or policies throughout the study period, and other regional cultural or socioeconomic issues are further possible constraints. These unresolved issues might have an impact on the study's findings or interpretation, potentially producing erroneous or partial conclusions.

11. SCHEME OF THE WORK

Chapter I: Introduction

The study is introduced in this chapter, which also looks at the major demographic shifts taking place around the world and different facets of aging. It also examines the historical and contemporary circumstances of India's old population and charts the development of the Law of Maintenance in India from antiquity to the present. Along with the study's goals and objectives, its significance is examined. The premise, research technique, sources, and chapter organization are also described in this chapter.

Chapter II: Historical Background & Legal Framework of Law

The history of the MWPSC Act of 2007 and its function in advancing the dignity and well being of senior citizens in India are covered in this chapter. It describes the legislative framework intended to guarantee elderly people's access to healthcare, financial stability, and property protection.This delves into the intricate legal framework designed to uphold the dignity and well being of senior citizens, focusing on the constitutional, legal, and policy measures in place. This chapter will analyze the constitutional provisions that affirm the state's responsibility towards the elderly, scrutinize the specific legal protections under the Criminal Procedure Code (CrPC) and the MWPSC-2007 and examine the protection afforded under personal laws.

Chapter III: Data collection andAnalysis

This chapter analyzes and interprets the performance of the provisions ofMWPSC Act, 2007.Itseekstovalidatethehypothesisbyexaminingtheeffectivenessandimpactofthe Act's provisions.

Chapter IV:Judicial Approach

The implementation of the Senior Citizen Act, 2007, in Ahmedabad District faces several challenges. Limited awareness among senior citizens about their rights under the Act and inefficiencies in Maintenance Tribunals, such as delays and inadequate infrastructure, hinder its effectiveness. Additionally, there is a lack of robust support from local government bodies, NGOs, and community networks. Cultural and familial resistance, financial constraints, and gaps in enforcement further exacerbate the situation.

Chapter V: Conclusion and Suggestions

This chapter presents the conclusions and recommendations based on the study, from the historical context to the analysis of the enabling law. It summarizes the findings and suggests possible improvements and future directions for policy and practice.

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